The Arisenter-Gen. State and the Arroy-Gen. Bear and t

and its numerous literary incentivos. Here it was that a forecast of his scalled future seemed to break upon him, and the infultive segacity of genius gave encouragement to his anyting resolve. His commencement thems—the True Statesman—reveals the ideal that haunted his mind. Then came his legal studies, and at the age of twenty, five he brought to his vocation the spoils and the culture of seven years indefatigable application. Mr. Calhoun's oratory was urnostentatious but impressive, while his style was severely classical and forelibe. In his own words, "the did not dilate, but left truth, plainly announced, to battle for itself," Avoiding alike ornared and embellishment, never appealing to passion or fancy liminating, simplifying, condensing like the type of truth and eloquence, he spoke right on; when he kindled and glowed it was from the fire of pure intelligence; when he won to his cause it was by the oursaisted charms of virtue; when he rechaled, it was, as it were, the voice of angared justice, and when he mastered and triumphed it was by the force and thoroughness of his analysis. His mind was broad and comprehensive. He trusted little to intuitive judgment and much to the verdict of logic. How highly he estimated scholastic precision may be seen from his own words—"More than ralf the errors of my life," says he, "may be trased to fallacles originating in the improper use of words." As directness characterized his speech, so recitined governed his mind, Intensity, pertinacity, definitioness, proneness to strict logic—these were his et alc characteristics. He took at the outset a position minanding the whole field of debate; unless dislodged out this he was inevitably victorious. No ambuscade not ruce—no capitulation. He conducted his contest venly—like a giant conscious of strength, and feeling viced of a triline, dexterously, as having been long miliar with the strongholds of argument, and vigoristics, as a statesman that the magnificent proportions of his mind are most fluing with the word of the der

barquet had been prepared in the best style of this popular haue.

After the substantials had been disposed of and the cloth removed, Senator Dodge was called to preside, and the regular teasts were given as follows:

1. The President of the United States.

Senator Dodge was here called for, and rising, responded enthusiastically to the sentiment of the teast, and passed a handsome oulogy upon the Ex-2. The Senate of the United States.

Judge Douglas was called on, and responded in his usual happy style, in the name of the Senate, of which body he is so distinguished a member.

3. The House of Representatives of the United States.

Calls were here made for Hon. Mr. Kritt, of South Carolica, who responded in eloquent terms, and concluded by offering—

The A. K. E. Society—The representative of American literature—esto perpetua.

To this sentiment the orstor of the day briefly responded, in a few beautiful remarks.

4. The Judiclary.

Hon. Mr. Rockwell, of Mass., was here called up, and spoke in behalf of the judiciary of the country; and closed by wishing that the States of the Union might differ only as the stars differ—in glory.

5. The Army and the Navy.

Here Hon. Mr. Bocock, of Va., was called to the floor, and passed an eloquent sulogy upon these arms of our national defeace.

6. The Literary Institutions of Our Land.

This sentiment called up Hon. Mr. ELLIOR, of Mass., who spoke in glowing terms of literature and its thousand blessings.

After the closing of the regular toasts, "the feast of reason and the flow of soul" became general, and the light of the morning found the guests still at the festive board, with the wine, the toast, the song. This annual convention of the Delta Kappa Epsilon will be long remembered in the metropolis of the nation.

As the cars are about leaving, I have no time to

nation.

As the cars are about leaving, I have no time to give the current news in this letter, but must close.

E.

WASHINGTON, Jan. 6, 1855. Tekel" of the Boston Post-His Mask Off-Rich Private Correspondence-Friend "Sid's" Veracity-Tariff to be Postponed-Duty on Railroad Iron-General Sam-Letcher on Swamp Lands-Dr. Baird's Lecture - Turn About is Fair Play, &c., &c.

The very spirited and semi-official correspondent ("Tekel") of the Boston Post, not satisfied with assuming censorship over the columns of the New YORK HERALD, compliments several of your correspondents by publishing their names in his letter of the 1st instant. To this, I presume, they do not object, as their names and their connection with the HERALD are matters of neither secresy nor concealment. Can the Boston correspondent venture to say as much? I fear not, although his official position near the President is one of honor and responsition near the President is one of honor and responsi-bility. In this war upon Captein Gibson, however, I would remind friend Sidney that, although the Heralle's correspondents have given to the public many interesting items concerning it, they still have in reserve the most interesting chapter of all, con-taining "Tckel'a" private correspondence with his particular friend, Mr. Beliuwat, in which this whole conspiracy against Captain G. is originated and deliberately planned. "Sid," then, had better be careful how he speaks of the Captain as careful how he speaks of the Captain as "a man of whom little is known and much suspected," and as "one of the corresponding attachés of the NEW YORK HERALD in this city." As I have written all, or nearly all, of the letters which have lately appeared in the HERALD on the subject of Captain Gibson's claim for indemnity upon the Dutch government, I deem it but justice to that gentleman to say that I have not the pleasure of a personal acquaintance with him, nor did I ever see him to know him. So much for "Sid's" White House

gentleman to say that I have not the pleasure of a personal acquaintance with him, nor did I ever see him to know him. So much for "Sid's" White House veracity in his unprovoked attack upon the Herald and its Washington correspondents. Will "Sid" inform us of his efforts to enlist the newspaper correspondents in this city in the crusade against Capt. Gibson? If he does not, the Herald's correspondents will. Mark that.

Tuesday next is the day fixed upon by the Committee of Ways and Means to call up the bill for the reduction of the tarif, and such is the understanding of the press; but I can assure you that Mr. Houston will be foiled in his attempt, as Tuesday is the day upon which the Pacific Railroad bill becomes the regular order, and Mr. McDougall will not give way, nor can Mr. Houston get a two-thirds vate to force him out of the way. The friends of the tariff are numerous, but they are not so strong as to despise or even slight the railroad party in the House. As I know Mr. McDougall will not consent to a further postponement of the Pacific Railroad bill, which has already been twice postponed, it is certain that the tariff question must lay over. When it does come up it is believed that Congress will yield to the popular sentiment, demanding the duty to be taken off railroad iron. It is demanded by every principle of common justice, and every consideration of public policy. For eleven years railroad iron was introduced into our ports free of cuty, and during this period the Eastern and Middle States constructed their railroads. These States were densely populated, and possessed immense wealth, yet they paid no duty on the iron for their roads. Now the Southern and Western States, in their struggles to construct railroads through their territories, appeal to Congress not to tax them on the iron rails, but to admit them free of duty—and it comes with a bad grace from the old States to resist this appeal, when they have enjoyed, and are now reaping the benefits of similar legislation. Pennsylvania has been

credit is due Mr. Letcher for the stand he has taken in this matter.

Dr. Baird's lecture last evening, on the European war, was largely attended and loudy applauded.

Yesterday was private bill day, and not much doing in Congress. The government steals the people's money four days in the week, and then only allows two days—Mondays and Fridays—for the people to steal it back again. tribute and her woe; and art sought, by the reproduction of the perishable, to do honor to that which cannot perish. Beneath a darkened siy a nation knelt at a great man's grave.

[The beautiful allusions to Mr. Webster are unavoidably omitted.] The influence of each of these men, losing, in combigation, its distinctive peculiarities, like primitive colors in the formation of pure light, is with us to-day, and will be till our march as a nation is ended. Webster and Calhoun aded in determining the formula for the action of our government—in defaults its nature and fundamentallaw. One saw reflected from the constitution an original government, with complete powers: the other a government formed by the intervention of States, with its authority definitely specified and rigidly limited; one feared the coils of distraction and severance; the other those of absorbing, unchecked consolidation and despotism: one placed the perpetuity of our institutions in the interests of the individual citizen, determined by the equitable laws for the descent of property; the other saw no security save in collective sovereign interests acting as States. Clay, paying little attention to the primal law of our political organization, sought to bring to light its immediate advantages. The motto of Calhoun was restrictive vigilance over a confederation; that of Webster, unreserved confidence in a well balanced constitution; while that of Clay was practical progress. "Forma measis esteeme," says that great author who amid the tears of a son did not forget the candor of the biographer—quent tenere et exprimere per alternam materiam ac artem non posess zed in tuis sipse meribus. The outlines, the products of the lives we have been contemplating, car never die. Obliterate all our other literature—rare to the ground our national mounents—scatter even our national estience, and in the characters and achievoments of these men would be mirrored the characteristics and fame of our people. Their case is a signal exception to that cold sentiment, p

OTHER CORRESPONDENCE.
[Correspondence of the North American.]

WASHINGTON, Jan. 4, 1854.

Modifications in the Turiff—New U. S. Senators.

The conspiracy of the democratic members to break down the tariff of 1846, and to deprive the country of the little protection which it affords, was considerably advanced last evening, by a servet meeting or caucus, held at the capitol some time between dark and midnight. Statements differ as to the number present. By one report there were less than fifty; by another, and I fear a more reliable one, there were in attendance from seventy-five to a hundred. Senator Brodhead and Mr. Dawson were the only members of the cabal from Pennsylvanis, and the latter soon became disgusted with the proceedings and retired. It was entirely a Know Nothing affair, being secret as the grave. Some facts have leaked out since the adjournment. There was some discussion as to the expediency of action at this seasion, but at length the following resolution, offered by G. W. Jones, of Tennessee, was adopted:

Essolved, That it is right and preser that the duties

this session, but at length the following resolution, offered by G. W. Jones, of Tennessee, was adopted:

Resolved, That it is right and proper that the duties imposed by law on the goods, wares and merchandize, imported into the United States from foreign countries, should be so modified and reduced, at the present session of Congress, preserving the principles of the tariff act of 1846, as will materially diminish the amount of revenue annually collected from customs.

Though nothing was said directly in favor of that plan, it is known that the leaders of the movement had in view the bill reported last session by the majority of the Committee of Ways and Means. I have before shown that this bill completaly eradicates the protective principle in our legislation. It reduces the duties on articles which yield three-fourths of the revenue, including iron, wool, and all the great staples of the country, to 20 per cent. Upon this plan the duties would have been reduced during the last fiscal year from \$66,000,000 to \$43.757,081, and for the average of the part six years from \$40,007,000 to \$30,333,000.

The Secretary of the Treasury has a counter project, less radical and revolutionary in its character, and which he is pressing upon the House with all his personal and official influence. He spands much of his valuable time among the representatives of the people, intent upon their instruction on this vital issue. There is a bare chance of a postponement of the whole subject through the divisions of the democracy between these influences. I very much fear, however, that the edict of change will be obeyed, and that a crusade upon the industry of the country has began, which will have the same

The speaker was interrupted with frequent bursts

of applause. The address is a model of classic beauty and chaste eloquence, and was delivered in a

Next came Mr. Charles T. Congdon, the well

known editor of the Boston Atlas, who recited a

poem written by him for the occasion, full of spark-ling wit and scathing satire. It was received with

boisterous applause from every part of the large hall.

From the hall, the convention, and invited guests repaired to Willard's Hotel, where a sumptuous

most captivating style.

disastrous results as the memorable contests on this subject from 1829 to 1832.

The House, to-day, passed the bill supplementary to the swamp land act. It is estimated that there will be appropriated by the Western States about a million of acres a year under this bill. The depretations will probably swell, under various pretexts, to a much larger amount.

The Senatorial contests in the States are watched with great interest. I learn that there is a probability of no choice in lowa. There has been a coalidon of a few Nebraska whige with the democrats, which deprives the true and regular whigs of the full control of the Legislature, which they expected. In Illinois there is believed to be a decided anti-Nebraska majority in the Senate, which will therefore vote to meet the House in joint ballot. A whig must be chosen or the election must go over. In Indiana the complexion of the State Senate is somewhat doubtful. There is, however, an unquestionable anti-Nebraska majority. The House is decidedly whig. The chances of Hon.S. W. Packer, the present able and popular whig representative in Congress, are better than those of any other named candidate, though as against the combined strength of his competitors, his friends are possibly in a minority.

The democratic politicians from Penusylvania express some hopes of deriving party advantages from the present situation of things in the State Senate. They say there is no possible chance of Mr. Price, of Philadelphia, or Mr. Darsie, of Pitts burg, calescing with the Americans, in which case the organization of the body by the choice of some moderate democrat as President, is inevitable. This occurrence would give color to the pretensions of Gen. Cameron or Mr. Dawson for United States Senator.

Martin Speer, a United States Citizen, in an

Martin Speer, a United States Citizen, in an Austrian Dungeon and in Irons for Ten Years.

It is more than eighteen months ago that a naturalized citizen of the United States, by the name of Martin Speer, a resident of Brooklyn, left his home to visit his fatherland, the Kingdom of Saxony, fully protected, as he hoped, with a passport from the Department of State in Washington. Some time previous to his leaving h is home, a Hangarian immigrant, by name of Zagony, had addressed his daughter, offering marriage, stating he was of high respectability in Hungary, and it could be ascertained by Mr. Speer extending his journey into Hungary, and gave him a letter to his mother.

Mr. Speer went to Saxony to look after some inheritance; then proceeded to Hungary, to Debriczia the residence of Zagony's mother, with whom he

heritance; then proceeded to Hungary, to Debriczia, the residence of Zagony's mother, with whom he endeavored to arrange an interview, through the instrumentality of a high judicial officer of Austria. For the sole object of seeing this lady, he went to Debriczia, ouly pausing on his way to get permits from the police to proceed.

At Debriczia he went in person to the aforesaid judicial officer, and presented him a letter from Zagory, upon which letter he was arrested. The authorities have declined producing that letter. He was placed in a duogeon, kept for eight months, subjected to constant examination before a secret court, not allowed to communicate with the United States Legation, although J. was in prison in Vienna, for the purpose of making him confess his guit. Finding he had none to confess, to justify this outrage, he was convicted without evidence and scatenced to ten years labor in the trenches, at Therienstadt, in irons. A more enormous case of unmitigated oppression cannot be conceived. All interposition by our indefatigable Minister—Mr. Jackson—at the Austrian Court have been unavailing. Will not some member from this city now in Congress call on the Secretary of State for all correspondence hold with our Minister upon the subject of Martin Speer's litegal arrest and punishment, and use prompt measures for his release? His afflicted wife resides in Brooklyn, and Supplicates this protection to her unhappy husband.

The Fallure of Wadsworth & Sheldon. The Fallure of Wadsworth & Sheldon.

[From the Chicago Democrat, Jan. 4.]

Recent events, in which our State is immediately interested, invest financial matters with more than usual interest just at this time. We refer, of course, to the following announcement, which the early publication of our Wednesdey's paper, in order to lay the Governor's message before our readers, prevented us from giving sooner:

New York, Jan 2, 1855.

Wadsworth & Sheldon, bankers, suspended payment to-day. Liabilities about \$2,500,000; assets about \$1,000,000. They were the agents of the State of Illinois, and, consequently, no payment has been made this morning on account of interest on the State debt.

This house was unfortunately intimately con-

This house was, unfortunately, intimately connected with the fluances of Illinois, having been continued, against the better judgment of most of our best men. State agent for the payment of interest, dividends, &c. A large payment was to have been made on the 1st inst. which, of course has not been done.

made on the 1st inst. which, of course has not been done.

How large an amount of State funds has been locked up by this failure we are not advised; but it must be in the vicinity of \$200,000—report says \$280,000. The Legislature will undoubtedly promptly call on the Governor for information on this point. This disaster has been anticipated for some time; and some of the correspondents of the house in this city, having had warning tast it was impending, have prepared for it by withdrawing their funds. This house was one of the New York correspondents of the Exchange Bank of this city, and the agent of the Galena Railroad; but of the position of the present relations between them we are not advised.

The Marine Bank also kept an account with this house, but was well enough "pested up" to cause the balance between them to be about even on New Year's day.

Messis. Wadsworth & Sheldon make a fine show of "assets," but the value of these cannot be determined until they have passed the ordeal of "liquidation."

OVERSIGHT IN THE RECIPROCITY TREATY.--Quite an important omission in this treaty has been Oversight in the Reciprocity Treaty.—Quite an important omission in this treaty has been brought to our notice by an intelligent merchant of our city, in regard to the articles of molasses and sugar. The treaty does not provide for the admission of American grown molasses and sugar into the provinces free of duty, and the consequence is, by the present tariffs, quite a discrimination against the American products and in favor of those imported from foreign countries. To illustrate we will take the case that actually occurred. A merchant of this city made a shipment of Louisians grown molasses to Montreal, and was obliged to pay a duty of about seven cents per gallon upon it. Had he taken foreign molasses in bond he could have obtained it at the same price as the New Orleans molasses, less the United States duty upon it, which amounts to about three and a haif cents per gallon, passed it to Canada under bond, and obtained admission for it at the duty paid on the New Orleans article. The result would have been a saving of three and a haif cents per gallon. The operation of the present law is therefore a discrimination against American molasses in favor of the imported article to the amount of about three and a haif cents per gallon. The effect of the treaty as it now stands, will be to atimulate the foreign instead of the home production and trade in these important products of the country, which we can hardly suppose our government anticipated. We trust, therefore, that such modifications of the treaty will be made as will place these American products on an equality at least with foreign ones, if not to admit them into the provinces free of duty.—Portland Argus.

the provinces free of duty.—Portland Argus.

Personal Intelligence.
The following is a list of Americans entered at the banking-house of Livingston, Wells & Co., Paris, during the week ending 18th ult:—

New York.—M. T. Taylor, W. M'Dougall, L. Tallman, Mrs. E. Horton, Mrs. C. E. Weyman, J. W. Perkins, G. R. Hegeman, C. R. Meade and lady, M. Archibald and family, J. H. Frothingham, J. H. A. Bell, F. Leake, C. L. Sharpsteen, Mrs. C. L. Sampson, Miss C. V. Sampson, H. D. Sampson, E. Merry; Mrs. and Miss Kyle, J. L. Hopf. VIRGISLA.—A. Athinson.
Pennstvania.—A. A. M. Hooper and wife.
Massacutestris—C. A. Cummings.
Rhope Bland.—J. T. Pitman.
LOUISLAN.—A. G. Powers.
Michonan.—H. A. Wright and lady.
The London Advertiser of the 7th ult. says:—We understand that at the Judges' Chambers on Friday, before Mr. Justice Crompton, an application was made in the forthcoming crim. con. case of "Hope vs. Aguado," for a commission to examine the Count de Morny, who has lately received the appointment of President of the Corps Legislatif, in Paris. Under the circumstances, and in consideration of the Count's parliamentary duties, the application for a commission in this particular case was granted. The case is likely to afford some curious revelations of Parisian life in its highest quarters, and already considerable interest is felt in the coming "delicate investigation." The plaintiff is Mr. Adrian Hope, the son of the author of "Amastasius," and one of the house of Hope; and the defendant, Count Olympe Aguado, has long been known and distinguished in the fashionable and sporting circles of Paris.

Arkityals.

Alkityals.

At the St. Nicholas Hotel—Gen. Harney, U. S. A.; Capt.

ionable and sporting circles of Paris.

ARRIVALS.

At the St. Nicholas Hotel—Gen. Harney, U. S. A.; Capt. Marcy, U. S. A.; Hon. W. Mallory, Corning; Hon. R. Sage, Troy; W. Samuels, Louisville, R. B. Morrell and lady, Phaladelphis; J. N. Hon. Boston; S. W. Debbis, Halifax; F. McCance, Belfast; John H. Dorris, Missouri; P. Steven, Oswego; J. N. Horne, Georgia; J. F. Shater, Providence; W. Barnard, Norfolk; A. P. Cochrane, Buffalo; C. B. Harman, Albany; E. M. Holbrook, Ogadensburg; J. McCornick, Troy; Gen. C. P. Markel, Pennsylvania; A. D. Russell, Pittsburg, Dr. Grabam, Virginia; J. Thayer, Buffalo; J. N. Malin, Clacinnasti; N. A. Jennings, Philadelphia.

At the Mctropolitan Hotel—Hen. J. Wardsworth, Buffalo: Dr. Henry Stabb, Newfoundland; Geo, P. Besmuont, England; C. Groom, U. S. A.; C. D. Bianchard, San Francisco; T. Robertson, Scotland; Major H. L. Turner, John Leach, Charles C. Helmerz, F. K. McCreary and W. A. Hagadine, St. Louis; G. B. Elliott, Washington; E. M. Gübert Ithaca.

Naval Intelligence.

The sloop of war Jamestown was at Montivedeo Nov, ust arrived from Bio.

New Publications. ROMAN CATHOLIC PAME'T BIBLE.

The edition of the Holy Baripture, lately issued from the press of Edward Dunigan & Brethers, 151 Fulton street, is a truly magnificent one. It is a large quarte volume, of over 1,660 pages, containing the whole Scriptures recognized by the Re-man Catholic Church, from Genesis to the Apoca-lypee. It is the orthod or translation from the Latin vulgate, diligently compared with the Greek, Ha. brew, and other editions in foreign languages—the Old Testament being according to the Dousy, and the New Testament according to the Rheimish ver sion. The text is printed in large, cleastype, on most excellent paper, and at the bottom of each page are copious notes, critical, historical, controversial and explanatory, taken from the most aminent commentators and most able and judicious critics. The selections and compilations are made by the Rev. Leo Haydock, and commend themselves at once to the study and attention of the Roman Catholic reader. The volume is embellished with numerous well executed engrav-ings taken chiefly from paintings by the old masters. It contains a theological history in miniature, or a list of the Popes, saints, martyrs, eminent Catholics, writers, councils, &c., from the earliest period of Christianity down to the present time. It has also tables of references, weights and measures, &c., together with an historical and chronological index; and altogether the edition is the most complete and generally the most attractive of its kind

that we have seen.

This work has been published at a great expense, and we trust that Messrs. Dunigan will not lose by the undertaking. It is essentially a tamily Biblea Bible to hand down as an heir loom from genera' tion to generation. In the notes the reader will find abundant matter for study and reflection for the rest of his days. He has there a valuable col lection of the writings of the fathers and distinguished prelates and priests of the Roman Catholic church, such as he could obtain through no other channel and by no other means. Abstrace doctrinal points are explained with a facility and clearness suited to every intellect. The possessor of this Bible cannot be held excused if, when taxed, he should be unable to give good reason for the faith he professes. Nor are polemica alone discussed. The work is equally complete in an historic point of view; and the history of the Bible, as all know, is the history of the world from remotest ages.

Those who are looking out for a family Bible should see this one before they make a purchase-We do not think that there is a Roman Catholic edition either in this or any other country so complete in every particular-at least, none has ever fallen under our notice.

> Superior Court-General Term. Present—all the Judges DECISIONS.

Cornelius Vanderbilt .- The defendant in this suit is the well-known and wealthy ship-owner, against whom nearly one hundred passengers, bound for California, brought actions for breaches of contract, in failing to carry them to their destination. The defendant applied to the court for a disclosure on the part of plaintiff's attorney, as to the existence of his clients, and his right to prosecute these suits, in order that he might defend himself against such of those suits as were improperly brought. In some of the cases it was said that the plain-tiffs were dead, and the testimony rendered it probable that some were not residents when the suits were en-tered. The question before the Court is how far can that some were not residents when the suits were entered. The question before the Court is how far can it control the action of the attorney in suits brought in this way. The Court has no doubt of its power in the case, and it is our duty to make an order on the attorney to make a disclosure of where the plaintiff is, or where he is to be found. This is a power not usually exercised; but, as in the present case, where the party is sued in the names of very many, it is necessary that he should be informed who they are, in order to defend himself. We think, therefore, that the Court has power to control the attorney, in order to prevent anything like oppression growing out of it. Order, that the attorney shall present an affidavit of the same facts as were given in similar cases before the other Courts.

Moser A. Westcott vs. John S. Moore.—In this case an order of arrest was made against the defendant, and a motion was made to vacate it. The plaintiff lived in the country, and sent goods to the defendant to sell for cash. The property was sold, but the defendant did not pay it over when the owner of the property called for it. The defendant moved to have the order dismissed, as the case does not come under that part of the code which provides that where persons receive money in a fiduciary capacity they are liable for it. We, however, think that factors and others who receive money for other persons are liable for it, under the code. Motion to vacate the order denied.

Mancer M. Bucks vs. Charles T. Shelton.—Order to be settled on application to the Court.

Charles M. Himman agt. Isaac Newton.—Judgment affirmed with costs.

Catherine Isles agt. Eliaba Tucker.—Reference ordered.

Charles M. Hriman agt. Isaac Newton.—Judgment affirmed with costs.

Catherine Isles agt. Elisha Tucker.—Reference ordered.

The Mechanics' Bank agt. Christopher Kiersted.—Verdict set aside on payment of costs.

James P. Allaire agt. John Haggerty.—Complaint dismissed with costs.

Wim. Hegun agt. George Law.—Motion denied with costs. John H. Brady agt. Elijah H. Kiker .- Demurrer over-Baruck de Beer agt. Daniel T. Young.-Referred to R.

Emmet.
Roswell S. Benedict agt. Henry Tanner.—Motion Cornelius Kanouse agt. John M. Martin. - Order appealed from affirmed; no costs.

Common Pleas-Special Term Decisions by Hon. Judge Ingraham.

Neyer S. Meyers vs. John M. Trimble and Others.-The defendants by their answer do not deny the plaintiff's claim, but set up, as a counter claim, moneys due to them, leaving a balance due from the defendants exceeding three hundred dollars. To this there is no defence pretended, and under any circumstances the plaintiff would be entitled to receive that amount. The defendants have also offered to the plaintiff to take judgment for the same sum. The plaintiff now moves for an orants have also offered to the plaintiff to take judgment for the same sum. The plaintiff now moves for an order directing the defendants to pay the amount admitted to be due. It would be necessary, before such an order could be made, to ascertain clearly that the defendant made no defence to that portion of the claim, and when that is established there is no cause why the defendants should not be required to make payment. If the defendants have a counter claim to the plaintiff's demand, sufficient remains to protect them in case of a recovery. Any other rule would enable a defendant, by setting up a counter claim for a small amount, to deprive his creditor for a long time of his rights, to which in reality no defence existed. It was said the Superior Court had decided otherwise, in 4 Sands, S. C. R., 678, but in that case there was not a distinct admission of a balance being due, and the discretion of the court was properly exercised in refusing that motion. A case recently decided was also referred to, but as the same has been submitted to me, I am urable to see whether it is applicable to this motion or not. It was also suggested that there was difficulty in enforcing such an order, and, therefore, it should be refused; but such a reason is not a good one to warrant us in refusing to make the order. If the order cannot be enforced, the defendants will reap the benefit of the delect in the law. No difficulty, however, need be anticipated on the part of the proceeding. I see no reason for refusing the motion. The same is granted. Company.—The affidavits are so different and contradictors that it is had as difficulty that it is had as difficu Company.—The affidavits are so different and contra-dictory that it is hard to discover the true facts from them, but as near as I am able to do so, it appears that only time was given on the decision of the general term them, but as near as I am able to do so, it appears that only time was given on the decision of the general term to make a bill of exceptions and no stay of proceedings was obtained. Such would undoubtedly have been granted by us if it had been asked for. But after this time such stay of proceedings, even if it had been granted, would have been waived by the request of the dendant's counsel to the plaintif's, to enter up the judgment, and his subsequent use of such judgment in evidence in another case. The plaintif's attorney then gained the advantage of the defendant in the motion to the Court of Appeals to dismiss the appeal, but I can see no irregularity on his part, and the defendants can only be relieved in that Court. There is no ground on which the judgment here can be set aside as irregular. In addition, this motion is radically defective in not stating what the irregularity complained of was. The twenty-fifth rule of Supreme Court requires this. The defendants also move for a stay of proceedings in entering up the judgment of dismissal of appeal, in order that they may move the Court of Appeals to vacate the order made in that court. There is no reason why this time should not be allowed. The proceeding is a hard one in that court, taken without notice, and in this case evidently taken before the case was ready for the return, and even at this time the return could not be made. Motion for stay of proceedings for twenty days granted, and denied as to other matters, without costs to either narty.

Fictor G. Audibon vs. Eli French.—The affidavit on which the defendant was originally held to bail contained the charm of concealings for the return deals to the charm of concealings for twenty days granted, and denied as to other matters, without costs to either narty.

which the defendant was originaly held to bail con-tained the charge of concealing facts relating to the defendants insolvency, and an allegation of falsely repre-senting that he expected money from Philadelphia. The latter represention was not, however, shown to be false, and the only ground, therefore, was the fraudulent concealment. Without saying how far a man is bound to disclose his circumstances when borrowing money, it appears to me that when the system of borrowing has been continued for some time, both of money and en-dorsements, and those endorsements repeatedly made for the purpose of renewing or extending former po-about to become due at the time, the queditor has

enough of the knowledge of the defendant's situation to put him on his guard and lead him to make proper inquiries; and in the absence of such inquiries, that he has no right to complain of the defendant as guilty of fraud for not making known the sus-' condition of his affairs. In addition to this the defensant denies that at the time he knew of his insolvency, or comtemplated making the assignment; on the contrary, he supposed himself able tog on, and intended to meet the engagements with the plaintiff. The frandulent allegations are disproved, and the order for arrest should be vacated, on the defendant's stipulating not to sue. Costs of motion \$10, to abide event.

Were H. Marrill. "Martin Thomson.—The defendant's

of motion \$10, to abide event.

Wm. H. Merritt, vs. Martin Thomson.—The defeadant
by his answer admits that, after deducting all his alleged counterclaims, there remains a balance due to the
plaintiff, and such balance amounts to \$2,675 34. To this part of the claim no defence is set up, and the plain such moneys, and that so much of the money now deposited in court be paid over therefore. For the reasons why in such cases it he motion should be granted, I refer to the opinion in the case of Veyers vs. Trimble, et. at., decided this day at Special Term. It is objected by the defendant, in addition to other objections therein referred to, that in this case a difference of interest will accrue in favor of the defendant on his counter claim is consequence of the money being deposited in the Trust Company, under an order of the court, at a low rate of interest. The objection is unavailing. The money in the Trust Company was not placed there at the request of the plaintiff, but of the defendants, and, if the interest is small, the plaintiff only receives at that rate on this order. The defendant has no right to object to what was done at his request, and if it were otherwise, the defendant has security in the bond given on the injunction sufficient to protect him against loss on the counter claim.

The motion must be granted.

counter claim.

The motion must be granted.

The motion must be granted.

The motion must be granted.

Materials for Paper.
[From the China Mail.]

A reward of £1,000 has been offered in England to any person who will discover a substitute for rags, in the manufacture of paper. If by the word "substitute" is meant one that is suitable for making paper quite equal to that made from rags, it is probable no such reward will ever be paid, and that the advertisers have adopted an ingenious method of obtaining information at little cost. The paper the reader now holds in his hand is manufactured from shavings of the bamboo plant in China. The quality is fair, though not equal to the best English printing paper; yet who can say how much it night be improved by European skill and the use of machinery? We have only Chinese authority for stating, that this paper is manufactured from bamboo, as foreigners are not admitted to the provinces where it is made; but the report seems to receive confirmation from the fact, that three years ago all the bamboos most common in the Canton provinces shed their seed and died, and the consequence was a rise of nearly 50 per cent in the price of paper. If bamboo shavings can be turned to such account, the supply of raw material is inexhaustible, thousands of scree being kept in the West Indies for firewood alone.

[From the Delhi Gazette.]

Now that hemp is looking up in the English market, we suppose some adventurous trader will turn his eyes on the hundreds of acrees spontaneously produced in the mountains of Kunsson, where it is the chief of the weeds, and but little checked in its superabundance. It is not, however, so tall and vigo ous in its stems as the same plants in Kashmir, where it sometimes forms almost impenetrable jungles; but the latter country is too remote to render so coarse a product of any profit to the merchant, and it therefore remains with this district to furnish the product.

INDIAN DIFFICULTIES.—By advices from the set-REPLAN DIFFECULTIES.—By advices from the set-tlement on the Elk Horn, we learn that "Little Bear's band" of Omahas have recently had a ren-contre with the Punkas. The latter had stolen several ponies from a hunting company of the for-mer. A sharp conflict scon ensued, in which two Punkas and one Omaha were killed, but the ponies were not recovered.—Council Bluffs (Iowa) Bugle, Dec. 22.

MARITIME INTELLIGENCE.

Movements of Ocean Steamers. NAMES. LEAVES POWER DATE.
Baltio. Liverpool New York Dec. 30
Canada. Liverpool Bost n. Jan. 6
Black Warrior New York Hav. and N. O. Jan. 9
Atlantic. New York Liverpool Jan. 10
Star of the West New York San Juan. Nic. Jan. 12
St. Louis New York Havre. Jan. 13
Atia. Boston Liverpool Jan. 17
City of Manchester. Philadelphia Liverpool Jan. 13
Glasgow New York Glasgow. Jan. 23

All packages and letters intended for the NEW Your

Port of New York, January 7, 1855.

ARRIVED.

Brig Niagara (of Portland), Fitch, Baltimore, 7 days, with unber, bound to Portementh, NH; put into this port force arbor.

lumber, bound to Portements, harbor, harbor. Wind at sunrice NE; meridian do; sunset SE, and foggy. \*\* A thick fog prevailed most of the day, which, doubt-less, prevented many vessels getting in.

Memoranda.

Quick Passage.—Bark Sea Bird, Weston, arrived at Boston 5th inst, from Palermo in 35 days, and from Gibralter in 23.

LAUNCHED—At Wiscassot, 3d inst, from the yard of Messrs Johnstone 4 Bolmes, ship Tamerlane, of 959 tons, She'is owned by the builders. At Newcastle, Mo. 2d inst, by Messrs Austin & Hall, a fine three decked ship, tonnage not given. She has not yet been named.

Telegraphic Marine Report.

BOSTON, Dec 7—Arr 6th ship Murilla, Penuscela: bark Daniel Weisster, Mobile: brig Keptune, Gonaives: Africa (Br.) Halifax, NS, 7th bark Godfrey, Galveston; brig J Alibone, Philadelphia.

Below at quarantine ships Shawmut, and Chatsworth, from Liverpool.

from Liverpool.

Spoken Dec 24 lat 29, lon 79 20, ship Bell Rock, Pendleton, for New Orleans for Liverpool.

Herald Marine Correspondence.

Disasters. A vessel, dismasted, apparently about 29) tons, full of water, was passed Jan 2, lat 39 N, lon 71 30 W; inside of monkey rail and bulwarks pannelled and painted white.

Ship Hy Peats, from England for Baltimore, no date, &c, by Norrick pilot boat.

Schr G M Middleton, from NYork for Attakapas, Dec 13, off Lape Antonio.

Foreign Ports.

Montevideo—In port Nov 4 ship —, for Rio; backs Emily, Etchberger, from Baltimore, just arr; Sarah L Bryant, Fousiand, from Boston Aug 19, arr Oct 29.

Farnamuco—In port Nov 23 ship Juniper, Pinckney, from Nyork alt Oct 16, urc; barks Evelyn, Hichborn, neur Tremont, Burgess, from Boston Oct 16, arr 20th diag; brigs Midas, from SJohns, NY, arr 12d; Peerless Bry, for a per in United States; Wm Price, Quig, from Philadelphia Oct 7, nnc.

Richas, from St. Johns, NY, arr 23th Peerless (Br.), for a page in United States; Wm Price, Quig. from Philadelphia Oct. 7, une.

Touched at do Ncy 19 ship Ringlender, Matthews, from Boston Oct 17, for Australia (Couched to land the mate, Mr., Gage, who was injured in his arm while lowering a boat for a man who fell overboard; he was left in charge of the U S Consul). The ship proceeded same day.

Eurnoo Avris—in poet Nov 2 ship Clement, Odell, for Calcutta few days: barks Kanawha, Marshall, for NYork 3 days: California, Miggins, for do 20th, California, Mitchell, from do; Oceanus, Moore, from Boston via Montevideo; \*\*Othing the Beanvais, for NYork, 36s Maxwell, Farrell, disg: The Act of Calcutta few days: barks Kanawha, Marshall, for NYork 3days: California, Miggins, for do 20th, California, Mitchell, from do; Oceanus, Moore, from Boston via Montevideo; \*\*Othing the State of Calcutta few days: barks Kanawha, Marshall, for NYork, do; Roman, Flanderr, Godward, Sturdivani, from NYork, do; Roman, Flanderr, Godward, Sturdivani, from NYork, do; Roman, Flanderr, Godward, Sturdivani, from NYork, do; Roman, Flanderr, Gige; Day, Hill, from Antwerp, une. Sauttin, Paine, une; Scott Dyer, Hill, from Antwerp, une. Sauttin, Paine, une; Scott Dyer, Hill, from Antwerp, une, Sauttin, Paine, une; Scott Dyer, Hill, from Antwerp, une for the first Calcutt, for NYork, in ballast, lesky; schr & T Blodgot, Howse, ashore up the river.

At do Oct 21 bark Eringo, Lewis, for Rio Janeiro soon; hab deen run foul of by a Br bark in a gale, lost bowsprit and received damage in upper works.

Rio Janeiro, Scott Dyer, Hill, from Antwerp, Maria, Green, for N Orleane; barks Parthian, Marshall, from Richmond abb Aug 26; Baltimore, Ramsay, from Baltimore abt Aug 12 via 73 for do ldg; Chantieleer, Pierce, from NYork abt Sept 12, arr 3d, for the ldg; Chantieleer, Pierce, from Richmond abb Aug 26; Baltimore, Ramsay, from Baltimore abt Aug 12 via 75 for do ldg; Kirkland, Benthall, from Richmond abb Aug 26; Baltimore, Ramsay, from Baltimore abt Aug 12 v

Hunter, Perry, NYork for Beifast, From below, chip Winged Reser in tow of the R B Forbes). Put back and annhored in Lighthouse Channel, Br brig S Killam, for Malage.

FALL RIVER—Sid Jan 3 schrx Kokeno, Bailey, and Brothers, Doane, Norfolk; and from below 5th schr kichard. Borden, Baker, for Kaltimore.

GLOUCESTER—Art Jan 1 schrz Ebra, and Volant, Elisworth, for NYork.

MYSTIC—Sid Jan 4 ship S Willetts (new), Spicer, NYork.

NEWPORT—Sid Jan 5 schrz Brethers, Doane, and Rokene, Bailey from Fall River, Norfolk; War Steed, Junes from do, NYork: Solan, Hosmer, from Portland do.

NORPOJK—Art Jan 3 brits Leo, Conway, Bluchill; Roscius, Smith, Fertland, In Hampton Roade ships Roselio Fir. Libempton, from Calleo; Russia (Er, Keily, Wajter, Welley, Walter, Welley, Martin, St. Charles, Bowers, NYork: Jao Hanouck, Forder, Bath; St Charles, Bowers, Orlands, Forder, Bata for Georgatown, SC. Cld ship Scatinel, Instances, Hartie, Hall, Matannas; schrs Sea Rroses, Chaney, Cardenas; Trideat, Fierce, do; Flyaway, Hildreth, NYork.

PROVIDENCE—Art Jan 5 propeller Petral, Josep, NYork, Sld schrs James Porter, Cook, Norte, &t Franges G Schith, Smith Little Eag Harbor, to lay dept. Gean Bird, Gibbs, Baltimore, SAVANAH—Art Jan 2 bark Ch. & William, Hawst, Boston; schr Abby Whitman, Cliffs, d., do 5 bries Marst, Inan, Thomas, Boston; Augusta, Stone Nyork Schra, I. S Davis, Davis, do: Geava, Coloo, Portland. Cld Morre. Shore, Charles, Cld Morre. Shore, Charles, Profiled.